

THIS AMENDED RULE WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION AND IS SCHEDULED TO BE PUBLISHED IN THE MARCH 1, 2009 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF APRIL 7, 2009.

**R277. Education, Administration.**

**R277-701. Robert C. Byrd Honors Scholarship Program.**

**R277-701-1. Definitions.**

A. "ACT score" means the result, expressed numerically, of the ACT college entrance exam.

B. "Full-time student" means a student enrolled at an institution of higher education who is carrying a full-time academic workload, as determined by that institution under standards applicable to all students enrolled in that student's program.

C. "High school graduate" means an individual who has:

- (1) a high school diploma;
- (2) a General Education Development (GED) Certificate; or
- (3) any other evidence recognized by the state of Utah as an equivalent of a high school diploma.

D. "Institution of higher education" means any public or private nonprofit institution of higher education, proprietary institution of higher education, or postsecondary vocational institution to prepare students for gainful employment in a recognized occupation, as defined in the 1998 Amendments to Higher Education Act of 1965.

E. "Robert C. Byrd Honors Scholarship (Byrd Scholarship)" means a scholarship grant from the Secretary of Education to the states, in this case, the state of Utah, to provide scholarships for study at institutions of higher education to outstanding high school graduates who show promise of continued excellence in an effort to recognize and promote student excellence and achievement.

F. "USOE" means the Utah State Office of Education.

**R277-701-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 34 CFR 654 which establishes the Robert C. Byrd Honors Scholarship Program and allows states to participate, in the Program consistent with the regulations of the section, and directs participating states to develop eligibility requirements and procedures for Byrd Scholarship participants.

B. The purpose of this rule is to provide Utah eligibility requirements and application procedures and timelines for applicants for the Byrd Scholarship.

**R277-701-3. Student Eligibility Requirements.**

A. Applicants shall be legal residents of Utah.

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B. Applicants shall be high school graduates in the same year that they seek to receive the Byrd Scholarship and attend a higher education institution.

C. Applicants shall provide documentation of acceptance to and full-time enrollment, as defined by that institution, in an accredited institution of higher education as defined under R277-701-1D.

D. Applicants shall have demonstrated outstanding academic achievement and show promise of continued academic excellence.

(1) Applicants shall have an ACT composite score of 25 or higher.

(2) Applicants shall have a high school (grades 9-12) grade point average of 3.70 (unweighted on a 4.0 scale) or higher.

E. Applicants shall sign and submit with the application a Certification of Eligibility for Federal Assistance in Certain Programs form, required under 34 C.F.R. 75.60 through 75.62, hereby incorporated by reference.

F. Applicants shall have filed a Statement of Selective Service Registration Status with the institution he plans to attend.

G. Applicants who are enrolled at a military service academy are not eligible for the Byrd Scholarship.

#### **R277-701-4. Application Procedures.**

A. Applications shall be available from school counselors, the USOE, and online through the USOE website by January 30 for the subsequent school year.

B. Applicants shall submit complete applications, including all required documentation. Incomplete applications shall not be considered.

C. Applicants shall submit only materials specifically requested in the application. Additional materials will not be reviewed and will be discarded.

D. Applications shall be delivered by mail or in person to the USOE as required on the application. Applications will not be considered if they are emailed or faxed.

#### **R277-701-5. Application and Notification Timelines.**

A. Applications shall be received by the USOE no later than 5:00 p.m. on the last Friday of March of the year in which the scholarship is sought.

B. Scholarship recipients shall be notified of their receipt of the scholarship no later than June 30, or upon the USOE receiving grant notification if the USOE receives grant notification later than June 30.

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C. Scholarship recipients shall notify the USOE of their intent to use the scholarship no later than 15 business days following USOE notification in order to retain the scholarship.

D. Continuing scholarship recipients shall notify the USOE by June 30 of their intent to continue using the scholarship in the subsequent year.

**R277-701-6. Scholarship Award and Continuing Eligibility.**

A. A scholarship recipient shall receive \$1,500 for each year of full-time enrollment in an accredited institution of higher education for a maximum of four years of undergraduate study provided the program continues to be funded and all requirements are satisfied by the student.

B. A scholarship recipient continues to be eligible for scholarship funds as long as the recipient continues to:

(1) remain a legal resident of Utah;

(2) remain a U.S. citizen or provide evidence from the U.S. Immigration and Naturalization Service that he is a permanent resident of the United States or is in the United States for other than a temporary purpose with the intention of becoming a citizen/permanent resident.

(3) remain enrolled as a full-time student in good standing in an institution of higher education.

C. A scholarship recipient remains eligible for the scholarship as long as the recipient maintains satisfactory progress as determined by the institution of higher education the recipient is attending.

D. The decision(s) of the USOE for scholarships is the final administrative determination and based on funds available in the given year.

**R277-701-7. Waivers or Exceptions for Student Requirements.**

A. A scholarship recipient may be allowed, based on prior approval for unusual circumstances to interrupt or postpone, the recipient's use of the scholarship for a period not to exceed 12 months, after the first full year of college is completed.

B. A scholarship recipient shall complete and submit a waiver request form, available from the USOE or through the USOE website, with attached required documentation.

(1) A recipient shall request the postponement or interruption from the USOE in writing at least eight weeks in advance of the beginning of the postponement/interruption.

(2) The USOE may consider a written request for a postponement/interruption with less than the eight week notice:

(a) for good cause, and

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- (b) so long as the funds are not lost or sacrificed.
- (3) Unusual circumstances shall be limited to:
  - (a) military enlistment;
  - (b) religious or charitable service;
  - (c) a foreign study opportunity; or
  - (d) personal or family emergency or significant change of circumstances.

- (4) The USOE may ask the student for a written explanation or documentation or both of the student's unusual circumstances.

- (5) A scholarship recipient who desires to change his enrollment status from full-time to part-time shall satisfy the requirements of a postponement/interruption.

C. A scholarship recipient may be allowed, based on prior approval for exceptional circumstances, to extend an approved 12-month postponement/interruption of the scholarship award. Exceptional circumstances shall be limited to:

- (1) extended religious or charitable service;
- (2) extended military service; or
- (3) an extended personal or family emergency or health crisis necessitating the recipient's extended delay of his education.

- (4) There shall be a presumption that personal and family emergencies can be resolved in less than 12 months; scholarship recipients shall be required to provide written justification and documentation of compelling circumstances to justify a scholarship postponement/interruption of longer than 12 months.

- (5) All long-term postponement/interruptions shall be requested in writing from the USOE at least eight weeks in advance of the beginning of the postponement/interruption and shall include documentation of the necessity for the extended delay.

D. A recipient who is denied a postponement/interruption for unusual or exceptional circumstances may appeal the decision to the USOE Assistant Superintendent for Curriculum. The decision of the Assistant Superintendent is the final administrative decision.

**KEY: scholarship**

**Date of Enactment or Last Substantive Amendment:** [~~December 11, 2006~~] 2009

**Authorizing, and Implemented or Interpreted Laws:** Art X, Sec 3; 53A-1-401(3); 34 CFR 654